

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



July 11, 2001

Regulation Package #0401-09

CDSS MANUAL LETTER NO. EAS-01-06

TO: HOLDERS OF THE EAS MANUAL, DIVISIONS 44 AND 82

**Regulation Package #0401-09****Effective 7/1/01****Sections 44-314 and 82-518**

The attached regulations implement and make specific the Nickols v. Saenz and Kehrer v. Saenz Settlement Orders. These court orders require amendments to the California Work Opportunity and Responsibility to Kids (CalWORKs) program's Maximum Family Grant (MFG) regulations. In accordance with these court orders, these regulations provide: (1) the MFG rule will not be applied to any child that was born when an applicant or recipient, who was previously aided as a dependent child in a parent's case, establishes his/her own case; (2) the MFG rule would also not be applied to any new child born to this applicant or recipient during the first ten months after establishing his/her own case; (3) for MFG purposes, months in suspense and/or a month the AU is eligible for a zero basic grant will not be considered as a month in which the family received aid; (4) child support paid by an absent parent directly to the custodial parent of an MFG child shall not be considered as income to the family for MFG purposes; (5) benefits from the Social Security Administration or other government programs that are based on an absent parent's disability or retirement and paid to or on behalf of the MFG child shall be considered child support for MFG purposes.

These regulations were adopted on an emergency basis effective July 1, 2001 and will be considered at the Department's public hearing held on August 15, 2001.

**FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-01-05.

**Page(s)**477 through 478.1  
889 and 890**Replace(s)**Pages 477 and 478  
Page 889

Attachment

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Regulations	STANDARDS OF ASSISTANCE AID PAYMENTS	44-314 (Cont.)
44-314	MAXIMUM FAMILY GRANT (MFG) (Continued)	44-314
	.142	A minor that receives aid as a child and who subsequently becomes a minor parent.
	.143	For MFG purposes, months in suspense as defined in Section 44-315.8 and/or a month in which the AU is eligible for a zero basic grant as defined in Section 44-315.9 will be considered as a month in which the AU did not receive aid.
.2	MFG	When a child is born into an AU that has received aid for at least ten months immediately prior to the birth, the child shall not be included in the AU size for the purpose of determining the MAP.
.3	MFG Application	The MFG applies when:
	.31 Notice	The AU has received written notice of the MFG at least ten months prior to the birth of the child, and
	.32 No Break in Aid	The AU has not had a break in aid of at least two consecutive months during the ten months immediately prior to the month of birth of the child.
.4	Continue MFG	The MFG continues to apply until the AU has not received aid for at least 24 consecutive months.
.5	MFG Exemptions	MFG shall not apply when:
	.51 Rape	The child was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and
	.511	The rape has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.
	(a)	The recipient shall provide written verification from one of the entities listed above, that the incident of rape was reported and the date that the report was made.
	.52 Incest	The child was conceived as a result of incest, as defined in Section 285 of the Penal Code, and

44-314 (Cont.)	STANDARDS OF ASSISTANCE AID PAYMENTS	Regulations
<b>44-314</b>	<b>MAXIMUM FAMILY GRANT (MFG) (Continued)</b>	<b>44-314</b>
.521	Paternity has been established, or	
.522	The incest has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of incest prior to, or within three months after, the birth of the child.	
(a)	The recipient shall provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.	
.53	Contraceptive Failure	It is medically verified that the child was conceived as a result of the failure of:
.531	An intrauterine device, or	
.532	Norplant, or	
.533	The sterilization of either parent.	
.54	Unaided Caretaker Relative	The child was conceived while either parent was an unaided nonparent caretaker relative.
.55	Not Living With Parent	The child is not living with either parent.
.56	Teen Parent/Former Teen Parent	A teen parent/former teen parent, who has met the age requirements in Section 42-101 at the time the child was born, establishes his/her own AU. When this occurs, the MFG rule shall not apply:
.561	Any existing child of the teen parent/former teen parent, or	
.562	Any new child born to the teen parent/former teen parent during the first ten months after establishing his/her own AU.	

<b>44-314</b>	<b>MAXIMUM FAMILY GRANT (MFG) (Continued)</b>	<b>44-314</b>
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| .6   | MFG Child Eligibility | The MFG child is eligible for and a recipient of aid including special needs.   |
| .61  | MBSAC                 | The MFG child is included in the AU size for the MBSAC.   |
| .62  | Child Support         | Any child support payments for the MFG child shall be given to the AU and exempt from consideration as income. For treatment as a resource, see MPP Section 42-211.2.   |
| .621 |                       | Benefits from the Social Security Administration or other government programs that are based on an absent parent's disability or retirement and paid to, or on behalf of, the MFG child shall be considered child support for MFG purposes. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code; Nickols v. Saenz, Case Number 310867, August 25, 2000; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

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82-518	CHILD AND SPOUSAL SUPPORT COLLECTIONS (Continued)	82-518
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For treatment of child support income for an MFG child, see Section 44-314.62.

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| .3  | Coordination with Local Child Support Agency                | The county shall coordinate with the local child support agency to establish procedures guaranteeing that the total disregard provided does not exceed \$50 per month in: |
| .31 | Multiple Payers   | Cases with multiple payers, or  |
| .32 | Incremental Payments  | Cases in which the payer(s) makes incremental payments.   |
| .4  | Repealed by Manual Letter No. EAS-99-10, effective 8/12/99. |   |

NOTE: Authority cited: Sections 10553, 10554, and 11457, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 302.31(a)(3); 45 CFR 302.32(b); Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

<b>82-519</b>	<b>(Reserved)</b>	<b>82-519</b>
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<b>82-520</b>	<b>DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT PAYMENTS</b>	<b>82-520</b>
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| .1 | Distribution Regulations | Regulations for assistance related distribution of child support payments, and reimbursement of state and federal shares are found in Manual of Policies and Procedures Division 12, Section 12-425. |
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| .2 | Disregard Payment | The designated agency shall first pay the AU a disregard payment of up to \$50 of the amount of collection which represents payment on a current support obligation (court ordered or voluntary). The county shall disregard this payment as income or resources for eligibility determination and grant computation. |
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